

REMARKS/ARGUMENTS

Claims 38 to 41 to 52, 54 to 58, and 60 to 71 are in the application. Claim 70 has been cancelled and the subject matter of Claim 70 has been incorporated into amended Claim 38. Claims 67 and 68 have been amended similarly. No new matter is believed added. A Supplemental Information Disclosure Statement and PTOL 1449 form was forwarded to the USPTO on 18 March 2005 which is not acknowledged as being received and reviewed on the current Office Action. In a telephonic conversation with the Examiner upon receipt of the Office Action, the Examiner acknowledged that the IDS and 1449 form had been received prior to the mailing date of the final Office Action, and would therefore be acknowledged as being timely received and considered, etc. in the next communication of the Office.

Claim 70 has been objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge the notice of allowable subject matter by the Examiner. In response thereto Applicants have incorporated the limitation of claim 70 into the base claim, claim 38, and subsequently into the other² independent claims, 67 and 68. In view of these amendments, and remarks, Applicants respectfully submit that the invention, as now set forth in claim 38 (amended), in its dependent claims, and in independent claims 67 and 68 (also now amended), is neither anticipated, nor shown to have been obvious, by the prior art, and request favorable reconsideration and the issuance of a notice of allowance.

The Examiner has also set forth the following three rejections:

Claims 38, 43, 44, 58 and 61 to 68 are rejected under 35 USC §102 (b) as being anticipated by Graham, US 5,085,033; and

Claims 38-41, 51, 54-58, 61-69, 71 and 72 are rejected under 35 USC §103(a) as being unpatentable over Goodhart et al. (US 5,074,46) in view of Sivaramakrishnan et al. (WO 90/11070); and

Claims 38-52, 54-58, 60-69, 71 and 72 are rejected under 35 USC §103(a) as being unpatentable over Goodhart et al. (US 5,074,46) in view of Amidon et al., US 5,674,530.

Applicants respectfully traverse all of these rejections.

While Applicants are in disagreement as to the rejections of the claims under 35 U.S.C. §103(a) as allegedly being unpatentable over the combined disclosure of Goodhart taken with Sivara or Amidon, and the alleged anticipation of the claims by

Graham et al., in order to advance prosecution on the merits the claims have been amended to incorporate the objected to claim language of Claim 70 thereby rendering these rejections moot. Prosecution of this subject matter will be continued in the filing of a divisional or continuation application. Applicants reserve their right to file divisional or continuation applications on cancelled or deleted subject matter.

CONCLUSION

Should the Examiner have any questions or wish to discuss any aspect of this case, the Examiner is encouraged to call the undersigned at the number below. It is not believed that this paper should cause any additional fees or charges to be required, other than expressly provided for already. However, if this is not the case the Commissioner is hereby authorized to charge Deposit account 19-2570 accordingly.

Respectfully submitted,



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